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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,298	11/17/2003	Timothy H. Voss	20595-0005-1	5213
26587 7590 03/12/2007 MCNEES, WALLACE & NURICK LLC 100 PINE STREET P.O. BOX 1166 HARRISBURG, PA 17108-1166			EXAMINER HWU, DAVIS D	
			ART UNIT	PAPER NUMBER
			3752	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/715,298	Applicant(s) VOSS, TIMOTHY H.	
	Examiner Davis D. Hwu	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 16-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Applicant's amendment and arguments of February 15, 2007 are acknowledged and entered.
2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 5, 10, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by King.

King shows a dispersal system for fire suppression material for use with an airborne craft, the system comprising a vessel 4 holding fire suppressant, the vessel being secured within or adjacent to an airborne craft, a dispenser 21 for controllably dispensing the material from the vessel, and a conduit 19 having a first end secured in fluid communication with the vessel and a second end for controllably directing the dispensed material adjacent to ground level. King also shows a release mechanism (threads 18) as recited in claim 3.

6. Claims 1, 7, 10, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Manicatide et al.

Manicatide et al. shows a dispersal system for fire suppression material for use with an airborne craft, the system comprising a vessel A holding fire suppressant, the vessel being secured within or adjacent to an airborne craft, a dispenser 5 for controllably dispensing the material from the vessel, and a conduit 13 having a first end secured in fluid communication with the vessel and a second end for controllably directing the dispensed material adjacent to ground level, wherein the dispenser non-symmetrically directs material in a direction from a central axis as recited in claim 7.

7. Claims 1, 4, 5, 6, 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Waldrum.

Waldrum shows a dispersal system for fire suppression material for use with an airborne craft, the system comprising a vessel holding fire suppressant, the vessel being secured within or adjacent to an airborne craft, a dispenser (comprising 16 and 18) for controllably dispensing the material from the vessel, and a conduit 38 having a first end secured in fluid communication with the vessel and a second end for controllably directing the dispensed material adjacent to ground level, wherein the dispenser has a plurality of vanes 132 as recited in claim 4 and the dispenser rotates as recited in claim 6.

Claim Rejections - 35 USC § 103

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over King.

Since the dispenser of King extends from beneath the airborne craft, the amount of the extension as recited would have been a matter of design choice.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over King, Manicatide et al. or Waldrum.

Dispensing the material from ground level to about three hundred feet above ground level would have been an obvious matter of user choice based on desired coverage.

Allowable Subject Matter

10. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.



**DAVIS HWU
PRIMARY EXAMINER**